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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/231,415	01/14/1999	DON P. WOLFE	AUTOB.043A	3041

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EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/231,415	WOLFE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ella Colbert	3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-41 and 77-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-41 and 77-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 26-41 and 77-99 are pending. Claims 87-99 have been added in this communication filed 04/30/04 entered as Response to Non-Final.

#### ***Claim Rejections - 35 USC § 112***

2. The 35 USC 112, second paragraph rejection of claims 26, 83, and 84 has been overcome by the amendment to claim 26 is hereby withdrawn.

Claims 83 and 84 still remain rejected under 35 USC 112, second paragraph.

3. The claims objection to Claims 30, 31, 38, and 39 has been withdrawn in view of the Applicants' arguments for claims 30, 31, 38, and 39.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 83, and 84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 83, recites "... wherein each purchase request belongs to only one set". It is not clear what Applicants' mean by "... wherein each purchase request belongs to only one set". Do Applicants' mean "... wherein each purchase request belongs to only one purchase request set" or "... wherein each purchase request belongs to only one set of purchase requests"? Claim 84 reciting "..., wherein each set is stored in one database region" has a similar problem.

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Applicants' are respectfully requested to point out in the Specification "the purchase request management module". Is the "purchase request management module" a linked HTML page that is accessed by a dealer?

***Claim Objections***

6. Claim 91 is objected to because of the following informalities: Claim 91, line 4 reads "request, and assign a purchase request task to a user". This line should read "request, and assign a purchase request task to a user". Applicants' are respectfully requested to review the claims for other such spelling errors. Appropriate correction is required.

***Abstract***

7. The abstract of the disclosure is objected to because of the following informalities: lines 5, 7, 12, and 13 reads "...a purchase requests from a plurality of ...located vehicle dealer or dealer groups. The dealer accesses the purchase request .... Which assist the user act in response to the ascertained purchase request property. Thus, the ...". These lines would be better read "...a purchase request from a plurality of ...located vehicle dealers or dealer groups. The dealer accesses the purchase request .... Which assist the user acting in response to the ascertained purchase request property. Thus, the ...". Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 26-41, 77-83, 87, 91-95, and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,794,207) Walker et al, hereafter Walker in view of (US 671,279) Elgamal.

With respect to claim 26, Walker teaches, a purchase request management system, wherein said purchase request is remotely managed by a user over a computer network, said purchase request management system comprising:

a system database comprising a plurality of set of purchase requests received from potential buyers and stored in the database, each of purchase requests associated with one of a plurality of dealers, each purchase request belonging to at least one set of purchase requests and fewer than all sets of purchase requests (col. 12, lines 56-67, col. 13, lines 1-22, col. 16, lines 49-58, col. 17, lines 48-64, and fig. 2 (elements 255, 260, 265, 267, 270, 275, 280, 285, 290, & 295)). Walker failed to teach, a purchase request management module that permits each dealer to access and manage only the set of purchase requests associated with the dealer. Elgamal teaches, a purchase request management module that permits each dealer to access and manage only the set of purchase requests associated with the dealer (abstract –different modules and fig. 1 (19) –purchase request) and fig. 2). It would have been obvious to someone with ordinary skill in the art to modify the Walker reference because Walker teaches a “Request for Proposal” or “RFP” and potential buyers and purchase requests associated with sellers (dealers) and a database which can be used for the purchase requests received from potential buyers and stored in Walker’s database.

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With respect to claims 27 and 35, Walker teaches, the management system as additionally comprising a dealer terminal, said dealer terminal displaying a split screen and the split screen lists the purchase requests on one side and a purchase request detail on the other side (col. 14, lines 66-67, col. 15, lines 1-9, col. 16, lines 3-45, and fig. 1 (elements 300 & 350)).

With respect to claims 28 and 36, Walker teaches, wherein said list of purchase requests includes an assigned user (col. 16, lines 51-62).

With respect to claims 29 and 37, Walker teaches, wherein said purchase request details includes a purchase request task list (col. 18, lines 17-67 and col. 19, lines 1-12).

With respect to claims 30, 31, 38, and 39, Walker teaches, wherein said purchase request task list includes an assigned user (col. 19, lines 29-45).

With respect to claims 32, 33, 40, and 41, Walker teaches, wherein said user is a sales manager (col. 18, lines 59-66).

With respect to claim 34, Walker teaches, a purchase request management system ..., said management system comprising: means for storing a plurality of sets of purchase requests received from potential buyers, wherein each set of purchase requests is associated with one of a plurality of dealers and each purchase request belongs to at least one set of purchase requests and fewer than all sets of purchase requests (col. 12, lines 56-67, col. 13, lines 1-22, col. 16, lines 49-58, col. 17, lines 48-64, and fig. 2 (255, 260, 265, 267, 270, 275, 280, 285, 290, & 295)); means for listing only the set of purchase requests (col. 18, lines 60-67 and col. 19, lines 1-12); and

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means for displaying details of the listed set of purchase requests (col. 19, lines 10-12 and lines 45-60). Although Walker does not expressly disclose each, means for acting on the listed set of purchase requests, wherein said acting means comprises one or more action response modules, and wherein the listing means, said displaying means, and said acting means permit each dealer to access and manage only the set of purchase requests associated with the dealer, this limitation is suggested in the reference and would have been obvious to someone with ordinary skill in the art. A practitioner would have modified the Walker reference because Walker teaches a means for acting on purchase requests (purchase offers globally communicated to authorized car dealers) and a display device or displaying the purchase requests and modules to respond to the purchase requests by voice mail or other electronic or voice communications (action response modules- col. 14, lines 53-65).

With respect to claim 35, this dependent claim is rejected for the similar rationale given above for claim 27.

With respect to claim 36, this dependent claim is rejected for the similar rationale given above for claim 28.

With respect to claim 37, this dependent claim is rejected for the similar rationale given above for claim 29.

With respect to claim 38, this dependent claim is rejected for the similar rationale given for claim 30.

With respect to claim 39, this dependent claim is rejected for the similar rationale given above for claim 31.

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With respect to claim 40, this dependent claim is rejected for the similar rationale given above for claim 32.

With respect to claim 41, this dependent claim is rejected for the similar rationale given above for claim 33.

With respect to claim 77, Walker teaches, wherein a user remotely accesses the management system (col. 16, lines 3-29).

With respect to claim 78, Walker teaches, wherein accessing and managing purchase requests as permitted by the purchase request management module includes storing a status indicator associated with each purchase request (col. 16, lines 49-58).

With respect to claim 79, Walker teaches, wherein the status indicator is selected from a group including at least quoted, pending, and sold (col. 17, lines 56-64).

With respect to claim 80, Walker teaches, wherein accessing and managing purchase requests as permitted by the purchase request management module includes associating a task with a purchase request (col. 15, lines 46-52).

With respect to claim 81, Walker teaches, wherein accessing and managing purchase requests as permitted by the purchase request management module includes assigning a task to a user (col. 15, lines 52-59 and col. 16, lines 3-11).

With respect to claim 82, Walker teaches, wherein accessing and managing purchase requests as permitted by the purchase request management module includes assigning a priority level to a purchase request (col. 16, lines 31-45 and lines 53-55).

With respect to claim 83, Walker teaches, wherein each purchase request belongs to only one set (col. 17, lines 48-56).



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With respect to claim 91, Walker teaches, The purchase request management system of Claim 34, wherein the action response modules comprise a purchase request management module configured to associate a task to a purchase request (col. 8, lines 42-56, determine a purchase request priority, associate a task with a purchase request, and assign a purchase request task to a user (col. 8, lines 57-65). Walker does not expressly disclose a purchase request management module. Elgamal teaches a purchase request management module (abstract and figs. 1 and 2 as addressed above in claim 26). Walker is interpreted as teaching action response modules as addressed above in claim 82.

With respect to claim 87, this independent claim is rejected for the similar rationale as given above for claim 26.

With respect to claim 92, This dependent claim is rejected for the similar rationale as given above for claim 91.

With respect to claim 93, this dependent claim is rejected for the similar rationale given above for claims 26, 91 and 92.

With respect to claim 94, this dependent claim is rejected for the similar rationale as given above for claims 26 and 91-93.

With respect to claim 95, this dependent claim is rejected for the similar rationale as given above for claims 26 and 91-94.

With respect to claim 97, this dependent claim is rejected for the similar rationale as given above for claims 26 and 91-95.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 84-86, 88-90, 96, 98, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of (US 5,940,807) Purcell.

With respect to claim 84, Walker fails to teach, further comprising a plurality of distinct database regions, wherein each set is stored in one database region.

Purcell teaches, further comprising a plurality of distinct database regions, wherein each set is stored in one database region (col. 3, lines 50-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a plurality of distinct database regions, wherein each set is stored in one database region and to modify in Walker because such a modification would allow Walker to have an information management system with the information management system as a computer having information processing and storage capabilities.

With respect to claim 85, Walker fails to teach, wherein each database region is associated with one dealer.

Purcell teaches, wherein each database region is associated with one dealer (col. 4, lines 51-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have each database region associated with one dealer and to modify in Walker because such a modification would allow Walker to have

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an information management system that operates in a database format in which information pertains to a particular product of service item and is maintained as one of a plurality of records of the database.

With respect to independent claim 86, this claim is rejected for the similar reason as given above for claims 84, & 85.

With respect to claim 88, this independent claim is rejected for the similar rationale as given above for claims 84-86.

With respect to claim 89, this independent claim is rejected for the similar rationale as given above for claims 84-88

With respect to claim 90, Walker and Purcell failed to teach, The purchase request management system of Claim 89, wherein the category of goods or services comprises automotive goods or services. The Office takes Official Notice that it would have been obvious to someone skilled in the art of buying and selling in the auto industry to have the goods or services to comprise automotive goods or services. It would have been obvious to someone with ordinary skill to modify the Walker reference to include a category of goods or services in view of Walker's teachings of a car buyer precisely defining the car and options packages he wanted for a specified price (col. 10, lines 40-56).

With respect to claim 96, this dependent claim is rejected for the similar rationale as given above for claim 87.

With respect to claim 98, Walker teaches, The purchase request management system of Claim 88, wherein each of the purchase requests represents a potential

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buyer's non-binding intent to purchase one or more goods or services (col. 4, lines 16-27).

With respect to claim 99, Walker teaches, The purchase request management system of Claim 89, wherein each of the purchase requests represents a potential buyer's non-binding intent to purchase one or more goods or services (col. 4, lines 40-67 and col. 5, lines 1-15).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Nelson, Timothy (WO 00/42541) disclosed a computer implemented purchasing system with an aftermarket product inventory.

### ***Inquiries***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "E. Colbert", is positioned above the printed name.

E. Colbert  
August 21, 2004